

Chapter 5

CONSULTATION AND COORDINATION

This chapter describes Reclamation’s public involvement and consultation and coordination activities to date, as well as future actions that will occur during the processing of this document. Public information activities would continue annually during drawdown.

Public Involvement

Public involvement is a process where interested and affected individuals, organizations, agencies, and governmental entities are consulted and included in Reclamation’s decision making process. In addition to providing information to the public regarding this draft environmental impact statement, Reclamation solicited responses regarding the public’s needs, values, and evaluations of the proposed alternatives. Both formal and informal input have been encouraged and used.

This section on public involvement also serves as the public involvement summary report for this proposed action.

Scoping Process

An early and open scoping process is required as part of the environmental impact statement (EIS) preparation (49 Code of Federal Regulations [CFR], Part 1501.7). Scoping, as defined in the CEQ regulations of 1978, is “an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.” The scoping process helps to:

- Identify issues, concerns, and possible impacts
- Identify existing information sources
- Develop alternatives

On April 25, 2001, Reclamation published in the Federal Register a Notice of Intent to prepare an EIS to evaluate impacts of altering existing operations at Banks Lake to provide for an annual August drawdown of up to 10 feet from full pool and to hold a public scoping meeting in the local area.

Reclamation notified potentially interested parties about the Banks Lake Drawdown draft EIS scoping process and provided opportunities to comment. A meeting notice describing the draft EIS, requesting comments, providing a return postage paid envelope, and announcing the date, time, and location of the public scoping meeting was mailed to over

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300 potentially interested individuals, groups, and governmental agencies. Reclamation also provided a news release about the scoping meeting to area media.

Public Scoping Meeting

Reclamation held a scoping meeting Tuesday May 15, 2001, in Coulee City, Washington. Reclamation presented background information and described preliminary alternatives being considered for the drawdown of Banks Lake and provided opportunities to ask questions, identify issues and concerns associated with the preliminary alternatives or identify other alternatives for the drawdown. About 55 people attended the meeting. Oral comments were recorded on flip charts. Comment sheets and postage-paid return envelopes were provided. In addition to comments received at the meeting, a total of 34 written comment sheets and letters were received in time to be included in the scoping summary document (Reclamation, *Scoping Summary*, 2001). Copies of the scoping summary were mailed to those on Reclamation's mailing list for this study. The scoping summary is included in this draft EIS as appendix B.

The nature of the comments ranged from brief comments or questions to very detailed statements. The issues identified during this process have been considered throughout the discussion of the affected environment and environmental consequences.

Some comments concern actions or issues that are outside the scope of this draft EIS. These are valid concerns but they do not address the purpose of this action or they relate to other actions not a part of this draft EIS. The EIS technical team considered and used the remaining comments as appropriate to prepare the draft EIS.

Key issues centered on:

- Evaluating a full range of alternatives
- Ensuring irrigation water supply and delivery, particularly in water-short years
- Determining impacts to infrastructure—lakebed power lines, lakeside roadway foundations
- Protecting water quality
- Identifying impacts on fish and wildlife, including habitat and reservoir elevations
- Addressing threatened and endangered species issues
- Identifying impacts to habitat, including noxious weeds and riparian habitat

- Determining how recreation such as fishing and boating would be affected during drawdown by the various alternatives
- Ensuring the public is safe from boating and fire hazards during drawdown
- Identifying impacts to power production and operation
- Protecting cultural resource sites
- Ensuring continued stability of the local economy, including the recreation service sectors

Publics were divided on the drawdown. Some supported the drawdown to ensure water supplies for salmon because they believed the benefit would outweigh negative impacts to anything else. Others opposed the drawdown because they believed adverse economic impacts to the local area would be greater than the benefit to salmon.

Some comments were outside the scope of the EIS because they were not related to the purpose of the project. The project purpose is to evaluate impacts of an additional 5 foot drawdown at Banks Lake during August, in response to Action 31 of the NMFS December 2000 FCRPS BIOP.

Comments outside the scope of the EIS included:

- Stopping salmon fishing
- Drawing down Lake Roosevelt instead of Banks Lake
- Monitoring the effectiveness of the additional water
- Increasing fish stocking at other lakes
- Providing demonstrated scientific basis for the additional water

Future Opportunities

This draft EIS will be circulated for a 60-day public review and comment period. Copies of the draft EIS will be available for public review on the internet, at Reclamation offices, and local libraries. A copy of the draft EIS will be mailed to those on the Distribution List, included in this draft EIS, and will be made available to others upon request.

Formal public hearings will be held in the local area during the comment period to receive oral and written comments on the draft EIS. A Notice of Availability and Public Hearings will appear in the Federal Register. Notice of the time and place of the public hearings will be provided to those on Reclamation's mailing list for this study. A news release

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announcing availability of the draft EIS and dates, times, and locations of the public hearings will be sent to area media.

Reclamation's practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that Reclamation withhold their home address from public disclosure, which will be honored to the extent allowable by law. There also may be circumstances in which Reclamation would withhold a respondent's identity from public disclosure, as allowable by law. If you wish Reclamation to withhold your name and/or address, you must state this prominently at the beginning of your comment. Reclamation will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

A final EIS will be distributed for information for at least 30 days before issuing the record of decision.

Coordination and Consultation

Endangered Species Act

In accordance with Section 7(c) of the Endangered Species Act of 1973, Reclamation requested from the FWS a list of threatened and endangered species, candidate species and species of concern potentially found in the Banks Lake drawdown study area (May 2001). An updated list will be requested before the final EIS is issued. Reclamation has prepared a draft Biological Assessment identifying potential impact to listed threatened and endangered species, which is included in the draft EIS. Prior to issuance of a final EIS, Reclamation will complete the Biological Assessment and complete consultation with the FWS.

Fish and Wildlife Coordination Act

In accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 USC 661 et seq.), the FWS provided a draft Coordination Act Report documenting wildlife resources, habitat, and management concerns within the drawdown study area (FWS 2002) to assist in the development of this document. A final Coordination Act Report will be provided following review of the draft EIS.

Reclamation has agreed to the following recommendations outlined in the draft Coordination Act Report (Appendix A):

- Some mitigation actions for various adverse impacts (existing and potential future impacts) could include the establishment of native riparian vegetation in various areas of the drawdown zone, such as native bunchgrasses and forbs in shrub-steppe and riparian vegetation along the shorelines. The limited time frame of this drawdown may limit the logistical feasibility of this mitigation.

Reclamation is working with the BASS Federation on vegetation enhancements around the reservoir; however the short duration of the drawdown is anticipated to limit terrestrial vegetation from growing in the drawdown zone.

- The BOR [Bureau of Reclamation] should designate a minimum operating level for Banks that allows for feasible operation of net-pen operations at the north and south ends of Banks Lake.

As outlined in the draft EIS, Reclamation retains the ability to operate the reservoir at any elevation that allows for complete delivery of water to CBP irrigators. This minimum elevation would not allow for operation of the net pens. However, Reclamation will attempt to maintain an elevation in Banks Lake that allows for operation of the net pens.

- If 10-foot drawdown is extended into the early spring season of 2003, the BOR shall ensure that both net-pen operations at the north and south ends of Banks Lake will be moved to an ideal operation location before September 2002.

No refill scenario being considered leaves Banks Lake below 1565 past the middle of September. During those years when maintenance needs of the reservoir facilities requires an extended drawdown and overwinter retention of the lower elevation, Reclamation will not assist, as mitigation for this action, with the relocation of the net pens. We will inform the operators of the net pens when such maintenance drawdowns will happen so that operation of the pens can be suspended at that time.

- If the 10-foot drawdown is implemented, the BOR should ensure timely refill of Banks Lake up to 1565 feet by early September to ensure operation of net-pens.

Reclamation anticipates that refill to 1565 feet will occur early in September.

- The BOR shall work collaboratively with the WDFW and the Service to develop studies that would examine the effects or lack of effects of the proposed drawdown on rearing fish species in Banks Lake.

Reclamation will work with WDFW and USFS on studies of the effects on the drawdown on fish rearing.

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- The Service recommends the BOR to develop a short-term plan that would address potential modifications of current boat ramp and moorage facilities in order to facilitate summer use activities.

Some mitigation of loss of boating facilities will be undertaken.

- The BOR should ensure that a complement of riparian vegetation be maintained along the Banks Lake drawdown zone and that conditions should be sufficient to provide for short-term input of nutrients into the water column as Banks Lake approaches its refill goal.

It is anticipated that efforts being made by the BASS Federation in cooperation with Reclamation and WDFW will not only maintain the riparian vegetation, but enhance it.

- A study to determine the reproductive success of western grebes in the study area should be initiated to help determine the level of management that should be applied to protect these birds in light of the proposed drawdown.
- Surveys for pygmy rabbits should be done in specific areas within shrub-steppe communities to address the potential of increased public use that has been diverted away from Banks Lake due to the drawdown.
- Hatchery compensation via the WDFW is an option that the BOR should pursue if lack of recruitment for certain fish populations is linked to the proposed drawdown.
- Protection of habitat, such as shrub-steppe, from fire is important, in this and region since it does not recover quickly from fire. Attempts should be made to ensure shoreline access to water resources in the event of uncontrolled wildfire in these designated shrub-steppe areas.
- Additional Ute ladies'-tresses surveys should be conducted at the two perennial streams which enter Banks Lake from the northwest and some of the springs and seeps within the immediate vicinity to determine potential impacts to this plant from the proposed drawdown.
- Updating the GIS [geographic information system] work that was done at Banks Lake by the BOR would be valuable. Aside from changes that will occur over time, this would allow some of the errors the Service identified in its 1998 Planning Aid Memorandum (U.S. Fish and Wildlife Service 1998) to be corrected and a more accurate vegetation map to be generated to determine potential wetland impacts linked to the drawdown and concurrent management actions.

- The BOR should initiate studies to examine the potential effects of the drawdown on wildlife species.

The following are the CAR recommendations that Reclamation would not agree to for the reasons provided.

- Funding should be provided for improvement of existing net pens, including structures to eliminate depredation by birds if “Action” Alternative B is selected.

As part of this action Reclamation will not provide funding to private endeavors utilizing the reservoir for rearing of fish. While Reclamation issued permits for the operation of the net pens, the sole operation risk is with the groups operating the pens.

- The high value of the Devil’s Punch Bowl area to several migratory bird species and the close proximity of a significant amount of recreation pressure undoubtedly leads to adverse impacts to sensitive habitats and disturbance to these species. Actions should be included, for the “No Action” and “Action” alternatives, that provide some level of protection to species using this area, at least during nesting and rearing seasons.

The Action alternatives have slight negative affects on recreation, potentially reducing recreation pressure as outlined in the recommendation. This reduction would be limited to a short period in August/September, so most likely would not affect nesting but could reduce disturbance during the rearing period. The No Action Alternative, by definition, includes no new Federal action, so it would be inappropriate to include new or additional actions by Reclamation to reduce recreational pressure in the No Action Alternative. To a large extent, the recreational activities which result in the impacts of concern are outside of the scope of this EIS. While the recreational activities may affect species using the Devil’s Punch Bowl, they are better addressed in management plans that have been developed by the managing agencies, including implementation of the recently completed Resource Management Plan for Banks Lake (Reclamation 2001).

- Restrictions on the use of PWC during fish spawning seasons in certain areas could benefit several fish species where spawning habitat has become limited due to the proposed drawdown.

It is not anticipated that spawning areas will be limited due to the drawdown. Reclamation addressed the question of restrictions on PWCs in the development of the Banks Lake Resource Management Plan and concluded that Reclamation has no authority to regulate watercraft in the State of Washington by State law.

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- Impacts of the several fishing tournaments at Banks Lake on fisheries should be determined and tournaments modified or curtailed, if necessary to facilitate spawning events.

Fishing tournaments and their regulation are the responsibility of the Washington State Department of Fish and Wildlife. Reclamation has no authority to regulate the timing, extent or number of tournaments.

- The BOR should use all available techniques to eliminate water milfoil if proposed drawdown is implemented. Do not use control methods that would result in negative impacts to desirable submergent, aquatic plants and aquatic invertebrates.

The extent of drawdown in the “Action” alternative is not lengthy enough to affect Eurasian water milfoil. It is not anticipated that this drawdown will effect the amount or extent of the milfoil infestation in the reservoir, nor are there known techniques available for such control. Future deeper drawdowns for maintenance purposes, where the level of the reservoir is reduced throughout the winter will most likely have some effect on milfoil but short duration drawdowns do not.

National Historic Preservation Act

Consultation under Section 106 of the National Historic Preservation Act occurs in two stages with the Washington State Historic Preservation Office and Indian Tribes with traditional territory in and adjacent to the project area. These Tribes are the Confederated Tribes of the Colville Indian Reservation, Yakama Nation, and Spokane Tribe of Indians. The first stage is the consultation that occurs upon transmitting notification of the undertaking, which this draft EIS accomplishes. The second stage occurs when the report resulting from the surveys called for in the chosen alternative is forwarded for review and comment. If historic resources are identified that will experience adverse effects from the preferred alternative, additional consultation to resolve the effects is done with the Advisory Council on Historic Preservation.

Tribal Consultation

Reclamation consulted with the Confederated Tribes over the proposed project and provided written notification and an invitation to participate in the usual scoping events.

Additional consultation with tribes may occur if their review of the draft EIS raises the need to clarify and discuss specific issues or actions on a government-to-government basis.